

IN THE
UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DISTRICT

BETTY ANN BURKS, et al.,)

Plaintiffs,)

v.) Case No. 2:06-cv-1081-MEF

EQUITY GROUP EUFAULA)
DIVISION, LLC,

Defendant.)

**UNOPPOSED MOTION FOR SIX DAY EXTENSION OF TIME
FOR PLAINTIFFS TO FILE THEIR RESPONSE TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

Without opposition, plaintiffs move for a six day extension to file their response to defendant's motion for summary judgment. As grounds, plaintiffs state:

1. No previous extension of time has been requested.
2. The summary judgment motion was first received on June 2, 2008 and the current deadline for response is fifteen days later on June 17, 2008.
3. This case involves over 800 opt-in plaintiffs. Defendant's summary judgment motion raises several fact-intensive and difficult legal issues based on 60 depositions taken just a week before the summary judgment motion was filed.
4. As a result, plaintiffs have had to take four depositions of defendant's

officials this week and the transcripts will not be available until Monday, June 16, 2008.

5. Plaintiffs' counsel has also had to simultaneously respond to two other fact-intensive summary judgment motions in other cases during the same fifteen day period allowed in this case, taking away from the time that would have otherwise been available for assembling affidavits and drafting a brief in opposition to summary judgment.

6. Defendant's lack of opposition to the extension shows that no prejudice to the parties will result from the six day extension sought. Hopefully no prejudice will result for the Court.

7. Should the requested extension be granted, the response of plaintiffs will be due on or before June 23, 2008.

WHEREFORE, premises considered, plaintiffs request that they be allowed until June 23, 2008 to file their response to summary judgment.

Respectfully submitted,

s/ Robert L. Wiggins, Jr.
Robert L. Wiggins, Jr., ASB-1754-G-63R
Candis A. McGowan, ASB-9358-036C
Wiggins, Childs, Quinn & Pantazis, LLC
The Kress Building, 301 19th Street North
Birmingham, Alabama 35203
205/314-0500, 205-254-1500 (Facsimile)

Robert Joseph Camp
The Cochran Firm - Birmingham
The Financial Center
505 North 20th Street, Suite 825
Birmingham, Alabama 35203
205/244-1115, Fax: 205/244-1171

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel for all parties by operation of the court's electronic filing system.

Howard A. Rosenthal
Gary D. Fry
Attorney for Defendant
harosenthal@pelino.com

Malcolm S. Gould
Attorney for Defendant
msgould@pelino.com

Courtney Reilly Pothoff
Attorney for Defendant
cpothoff@mindspring.com

Joel P. Smith, Jr.
Attorney for Defendant
joelpsmith@bellsouth.net

This 12th day of June 12, 2008.

s/Robert L. Wiggins, Jr. _____
OF COUNSEL